

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY BAILEY,

Plaintiff,

V.

CITY OF LAS VEGAS, et al.,

Defendants.

Case No. 2:09-CV-02281-KJD-PAL

ORDER

Currently pending before the Court is Plaintiff's Motion, filed September 21, 2010, Seeking Dismissal of Count II and III (#10). Specifically, pro se Plaintiff Anthony Bailey seeks to voluntarily dismiss counts "II and III" of his Amended Complaint "to avoid Res Adjudicata (sic)". (#10 at 1.) Additionally, the Motion states that Plaintiff seeks to "reserve the first and fourteenth Amendments Right (sic) to litigate at a later date." (Id.)

Plaintiff's Complaint (#6) was filed on June 18, 2010, alleging eight claims for relief for the violation of various federal civil rights. Plaintiff's Motion is somewhat unintelligible, however, as the Court is required to construe pro se pleadings liberally, the Motion is construed as one brought pursuant to Fed. R. Civ. P. 41 to voluntarily dismiss the first and third claims for relief of Plaintiff's Amended Complaint.

Accordingly, good cause appearing, **IT IS HEREBY ORDERED** that Plaintiff's Motion Seeking Dismissal of Count II and III (#10) is **GRANTED**. Plaintiff's first and third claims for relief are dismissed pursuant to Fed. R. Civ. P. 41.

DATED this 31st day of May 2011.

Kerry D.

Kent J. Dawson
United States District Judge